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1 anybody at Bellcore or DSMI that you know about
2 that expressed an interest in obtaining
3 assignments of any of these 629 numbers prior to
4 May 1996?

5 **A. Not that I know of.**

6 Q. You're sure?

7 **A. Not that I know of.**

8 Q. Okay. You didn't have any
9 conversations with anybody about that possibility
10 at or about that time?

11 **A. Not that I know of.**

12 Q. Have you had any conversations since
13 in the last several years about pre-May 1996
14 events and interest expressed by anybody in these
15 particular 629 numbers?

16 **A. Not that I know of.**

17 Q. Okay. Did you attend any meetings
18 where this topic of assignment of the 629 numbers
19 to entities other than Beehive arose?

20 **A. Assignment of the 629 numbers?**

21 Q. Yes, once they were disconnected.

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1 **A. There was a -- there were discussions**
2 **in the industry as to the proper method for**
3 **dealing with these numbers since they did not**
4 **have a valid RespOrg associated with them.**

5 Q. And did you attend some of these
6 discussions?

7 **A. I don't remember. I may have.**

8 MR. JENSEN: Do you need a break?

9 THE WITNESS: I'm getting close here.

10 MR. SMITH: Let's go off the record.

11 (Pause in the proceedings.)

12 BY MR. SMITH:

13 Q. Mr. Wade, I see some references in
14 correspondence to a descriptor, SMS/800 services.
15 Does that refer to a particular entity or
16 committee? What is that?

17 **A. I'm not sure what you're asking.**
18 **SMS/800 services are services provided through**
19 **the SMS system.**

20 Q. There's no organization or body or
21 committee that goes by that designation?

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1 **A. Not that I know of.**

2 Q. Okay. Is it a synonym perhaps for
3 SMT, this management team that we've been talking
4 about?

5 **A. Not that I'm aware of.**

6 Q. Tell me, please, the names of the
7 people who serve on this SMS management team?

8 **A. Currently.**

9 Q. You said there was one for each RBOC,
10 right?

11 **A. Correct.**

12 Q. Okay. Please tell us the names of
13 each currently and the Rebok for whom they serve.

14 **A. Okay. Ellen Oteo, O-T-E-O, from**
15 **Bell Atlantic; Jerry Latham, L-A-T-H-A-M, from**
16 **Bell South; Carolyn Staley, S-T-A-L-E-Y, from SBC**
17 **Communications; and Ted Fernandez,**
18 **F-E-R-N-A-N-D-E-Z, from U.S. West.**

19 Q. Tell me the second one again after
20 Oteo.

21 **A. Latham. Jerry Latham, I believe.**

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1 Q. For?

2 **A. Bell South.**

3 Q. And what is their position
4 respectively with each of these folks -- with
5 each of these entities? Oteo, what is that
6 person's position with Bell Atlantic?

7 **A. Oh, I have no idea.**

8 Q. Do you know whether it's an officer?

9 **A. I doubt if they're officer level, but**
10 **I don't know what their job assignments are.**

11 Q. Would you give me the same answer for
12 the remaining folks you listed?

13 **A. Yes.**

14 Q. Just don't know what their position is
15 with the respective RBOC?

16 **A. Correct.**

17 Q. How about phone numbers and addresses
18 for each?

19 **A. I have those, but not with me.**

20 Q. You don't have one of those little
21 palm things that Floyd has that you just push a

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1 button and it just comes up?
2 **A. That's mine that he's using.**
3 Q. This is a database company. We'd like
4 that information, if we could. I notice that it
5 was to be appended to some of these things you
6 did give, but those were omitted. We'd like to
7 see those, please.

8 For the services that Ms. Oteo renders
9 to Bell Atlantic in connection with this
10 management team function, who pays her?

11 **A. I have no idea. I assumed**
12 **Bell Atlantic.**

13 Q. Okay. How about Latham? Same
14 question.

15 **A. I have no idea.**

16 Q. Would you assume that it's Bell South?

17 **A. I have no idea.**

18 Q. Okay. I've seen some correspondence
19 that described you as the SMT business
20 representative in transmissions to the FCC
21 respecting this tariff we're talking about. What

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1 does that mean? Do you want to see the letter?

2 **A. No, that's a common term. That's how**
3 **we're often referred to.**

4 Q. Okay. What does it mean?

5 **A. I'm not sure what you're asking.**

6 Q. Do you have a certain function in
7 relation to the management team?

8 **A. It represents our role as the**
9 **representative of the RBOCs, the SMT.**

10 Q. Is SMT business representative -- is
11 that the name that is given to DSMI in the
12 agreement we've discussed in relation to the
13 RBOCs for management of this tariff?

14 **A. I don't believe a name is specified in**
15 **there.**

16 Q. Okay. This same correspondence refers
17 to Ellen Oteo as SMS/800 management team
18 point-of-contact, and then you're referred to as
19 SMT business representative.

20 **A. Uh-huh.**

21 Q. Is there any particular intent behind

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1 that differentiation in title?

2 **A. Yeah, we play different rolls. She is**
3 **a member of the SMT. I'm not.**

4 Q. Is that your only explanation for the
5 different terminology that I've just read to you?
6 Do you have any other explanation?

7 **A. I have no idea what you're asking for.**

8 Q. Okay. Has Ms. Oteo always served as
9 this management team point-of-contact person?

10 **A. No.**

11 Q. Have others served as this
12 point-of-contact person?

13 **A. Yes.**

14 Q. While Oteo has been on the team, does
15 she always have this designation?

16 **A. No.**

17 Q. Okay. What determines which
18 representative of which Rebok gets the
19 designation in any particular communication?

20 **A. There was a team agreement that the**
21 **point-of-contact designation would rotate from**

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1 **company to company on an annual basis, so she was**
2 **the point-of-contact for approximately a year.**

3 Q. Then what does point-of-contact mean?
4 What role is that?

5 **A. They're the designated person who will**
6 **sign correspondence on behalf of the team,**
7 **participate in industry meetings on behalf of the**
8 **team, those kinds of things.**

9 Q. The liaison between the team and
10 whatever is out there to interface?

11 **A. Correct.**

12 Q. Like FCC, industry groups, and the
13 like?

14 **A. Correct.**

15 Q. Does that include the numbering
16 counsel?

17 **A. I'm not sure what numbering counsel**
18 **you're talking about.**

19 Q. I don't have any acronyms down as well
20 as you guys, but North American Numbering
21 Counsel?

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1 A. No, I don't think she participates in
2 that.
3 Q. Isn't there an industry board or
4 industry numbering counsel that advises the NAM,
5 whatever it is?
6 A. There's an industry numbering
7 committee that's part of the ATIS structure.
8 Q. Does this point-of-contact person as
9 it rotates interface with that group?
10 A. No, they don't. The team doesn't
11 support that activity. They're not involved with
12 it.
13 Q. Okay. So you've defined the
14 point-of-contact person's role. Is there a
15 definition for the role played by the business
16 representative on the team?
17 A. Yeah, we've been through that. That's
18 the definition of what DSMI does.
19 Q. In relation to this team?
20 A. Correct.
21 Q. And that encompasses DSMI's role under

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1 the contract that it has with the RBOCs to
2 administer the tariff?
3 A. Correct.
4 Q. Are there any other rolls that are
5 designated or played by members of this team that
6 we're talking about, rotating or otherwise?
7 A. There is a next point-of-contact or
8 point-of-contact elect or whatever you want to
9 call it.
10 Q. Kind of like a care-person elect?
11 A. Right. That rotates in behind the
12 point-of-contact that's there currently.
13 Q. And any others?
14 A. No.
15 Q. Does the team have a staff that
16 assists in its deliberations and work?
17 A. That's usually DSMI.
18 Q. The six employees there, okay. Any
19 other staff people, consultants, or the like that
20 assist the team in their work?
21 A. A team has a large number of contracts

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1 with lots of different groups. "Large" meaning
2 half a dozen or a dozen.
3 Q. Okay. Can you name those?
4 A. There's a data center. There's the
5 help desk. There's a software provider. There's
6 a web site provider. There's legal counsel.
7 There's an audit firm. There's an accounting
8 firm. I mean --
9 Q. And these groups interface
10 specifically with the team, is that right, and
11 have contracts with this team?
12 A. Most of them.
13 Q. Okay. Who pays for those contracts?
14 A. The team.
15 Q. Does it have its own bank account?
16 A. Yes.
17 Q. And how are contributions made to that
18 bank account?
19 A. The revenue source?
20 Q. Well, the source for what goes into
21 the bank account that pays for the services

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1 provided by consultants, accountants, et cetera
2 to this team?
3 A. Our charge is collected under the
4 SMS/800 tariff and the contract with SCP owner
5 operators.
6 Q. Okay. Is this -- is the team -- is it
7 a formally organized entity? Is it like a
8 corporation or a partnership or what it is it?
9 A. No.
10 Q. Just an association of some sort?
11 A. Yeah, I don't think it has a legal
12 structure associated with it.
13 Q. Do you know for sure that there is a
14 bank account for this team as a team?
15 A. Uh-huh.
16 Q. Who writes the checks, do you know?
17 A. The bank writes the checks.
18 Q. At whose direction?
19 A. The teams.
20 Q. Is it the point-of-contact person who
21 has primary direct responsibility in that regard

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1 or they all have to sign off on it?
2 **A. It depends on the size of the**
3 **expenditure, but it can be any two or three of**
4 **the team members.**

5 Q. Who keeps the team organized? Is this
6 DSMI's function?

7 **A. Depends on what you mean by**
8 **"organized."**

9 Q. Well, keeping all their meetings
10 going, brings the agenda to them for their
11 meetings, and the like?

12 **A. That's DSMI.**

13 Q. How often does a team meet?

14 **A. In person about eight times a year,**
15 **every six weeks or so.**

16 Q. And by phone?

17 **A. Every two to three weeks.**

18 Q. Okay. Is there any other source of
19 monies used to finance the efforts of the team
20 other than the ones you've already described?

21 **A. No.**

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1 Q. The taking of revenues from the
2 DSMI -- what did you say they were, SCP contract
3 revenues and something else? I didn't write them
4 down?

5 **A. The SMS/800 tariff.**

6 Q. And those are taken and put into this
7 account, correct?

8 **A. Uh-huh, yes.**

9 Q. Did the RBOCs in addition to that make
10 contributions to the account to finance the
11 efforts of the team?

12 **A. Only insofar as they purchase services**
13 **under one or another of those vehicles.**

14 Q. Okay. Is there an audit report that
15 goes along with this management team?

16 **A. Financial audit?**

17 Q. Yes.

18 **A. Yes.**

19 Q. Is that done annually?

20 **A. It has been recently.**

21 Q. Does that describe the source of

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1 revenues and the expenses and the like?

2 **A. At a high level.**

3 Q. Is the management team regulated in
4 any sense by the FCC?

5 **A. Well, the tariff is an FCC-regulated**
6 **activity.**

7 Q. Aside from that, does the team fall
8 under any type of regulation?

9 **A. I don't know. Not that I'm aware of.**

10 Q. Now you've named these four people who
11 are members of the team in addition to whatever
12 role DSMI plays on the team. When was the team
13 formed?

14 **A. A team has been in existence probably**
15 **since, like, '84 when they first began planning**
16 **portability for 800 service.**

17 Q. And has it always been the same number
18 of representatives?

19 **A. As far as I know it's always been one**
20 **representative per RBOC.**

21 Q. Okay. How long has Oteo served on the

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1 team?

2 **A. I can't tell you that. I mean, two to**
3 **three years maybe.**

4 Q. Who did she replace?

5 **A. Renie Spriggs, I think was her name,**
6 **S-P-R-I-G-G-S, R-E-N-I-E.**

7 Q. Was this a Bell Atlantic designee too?

8 **A. Yes.**

9 Q. And how long did Renie Spriggs serve?

10 **A. I don't know.**

11 Q. Okay.

12 **A. A few years, I would assume.**

13 MR. SMITH: That's Number 2 and
14 Number 3.

15 (Wade Deposition Exhibit Numbers 2-3
16 were marked for identification.)

17 BY MR. SMITH:

18 Q. Is there anything under the tariff,

19 Mr. Wade, that would prohibit a RespOrg being a
20 subscriber for a number?

21 **A. No.**

1 Q. Is there anything under the tariff
2 that would prohibit a RespOrg acting as RespOrg
3 for itself as subscriber?

4 A. No.

5 Q. Is there anything under the tariff
6 that would forbid an affiliate of a RespOrg
7 acting as a subscriber?

8 A. No.

9 Q. Does the tariff -- what, if anything,
10 does a tariff do by regulating the pricing
11 relationship between subscriber and RespOrg?

12 A. I don't think it impacts that.

13 Q. Okay. So while the tariff fixes a
14 rate that the RespOrg has to pay to DSMI, the
15 tariff does not -- the tariff leaves to
16 contractual bargaining between RespOrg and
17 subscriber the value of use of number; is that
18 correct?

19 A. Funds aren't paid to DSMI. Funds are
20 paid to the SMT, the RBOCs.

21 Q. But the tariff does not regulate the

1 pricing relationship between subscriber and
2 RespOrg, isn't that true?

3 A. That's correct.

4 Q. So if a RespOrg through good
5 negotiation or market circumstance can bargain
6 for a rental or whatever you want to call it with
7 this number with the subscriber that is eight
8 times what the RespOrg has to pay to DSMI, that's
9 not forbidden under the tariff, correct?

10 A. Well, two factors. One, again, they
11 don't pay anything to DSMI, and, secondly, if
12 they're buying and selling numbers, that is
13 prohibited by the commission.

14 Q. Well, my hypothetical didn't imply
15 buying or selling. I realize that, and I'm
16 hesitating because I don't know what to call this
17 contract that exists. We'll just call it what
18 you called the contract between the Reboks and
19 DSMI, just a contract that fixes a price. It
20 could be eight times what the RespOrg pays to
21 DSMI, correct?

1 MR. JENSEN: You got to explain --

2 MS. TUCKER: Could you clarify that?

3 MR. SMITH: Just a contract that fixes
4 a price.

5 MR. JENSEN: Let me --

6 BY MR. SMITH:

7 Q. You get to use this number under this
8 tariff for this term consistent with the other
9 regulations in the tariff. You can't own it.
10 You can't do any of these other things. The
11 price is X. You don't care about the price, do
12 you?

13 MR. JENSEN: Hold on a second.

14 There's some confusion about which contract
15 you're talking about.

16 MR. SMITH: That's the one I'm talking
17 about.

18 MR. JENSEN: You're talking about a
19 contract between the RespOrg and their subscriber
20 or a contract between DSMI and the management
21 team?

1 MR. SMITH: No, I differentiated
2 carefully between those.

3 MR. JENSEN: It wasn't clear to me.

4 MS. TUCKER: Me either.

5 BY MR. SMITH:

6 Q. The tariff regulates the pricing
7 relationship for assignment of these numbers
8 between DSMI and RespOrg, correct?

9 A. Between the RBOCs and the RespOrg.

10 Q. No, I'm off of that RBOC thing. I'm
11 not talking about the management team anymore.

12 A. DSMI is not listed in the tariff.

13 Q. Okay. With that, I understand. But
14 they pay the bill through DSMI, correct?

15 A. No.

16 Q. The RespOrg doesn't?

17 A. No.

18 Q. Okay. That relationship though RBOC
19 then -- the issue of the tariff and the RespOrg,
20 that's a regulated rate, correct?

21 A. Right.

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1 Q. Now is the rate charged -- the price
2 charged by the RespOrg to an end user or
3 subscriber, is that regulated by the tariff?
4 MR. JENSEN: Rate for what?
5 MR. SMITH: The price charged.
6 MR. JENSEN: The price charged for
7 what? What are you talking about?
8 MR. SMITH: For the services that
9 RespOrg performs in relation to the subscriber.
10 MR. JENSEN: Are you talking about the
11 price that a subscriber pays a carrier for 800
12 service?
13 BY MR. SMITH:
14 Q. For whatever. Is that a regulated
15 relationship as between RespOrg and subscriber?
16 A. I have no idea.
17 Q. Okay. When you say you don't have any
18 idea, is it fair for me to infer that the
19 oversight of that relationship isn't something
20 that DSMI looks into or has responsibility for?
21 A. Right, we have no responsibility for

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1 that.
2 Q. You don't have any policing mechanism
3 out there, do you, where you go around looking to
4 see what price a RespOrg may be charging the
5 subscriber for any services?
6 A. No.
7 Q. And has that always been true?
8 A. Yes.
9 Q. Okay. You're not a policeman? "You,"
10 meaning DSMI, is not a policeman in that
11 relationship, correct?
12 A. Correct.
13 Q. And there's nothing in the tariff that
14 makes you a policeman in terms of that
15 relationship; isn't that true?
16 A. You're talking about the SMS/800
17 tariff?
18 Q. The tariff that you administer as
19 agent for the RBOCs.
20 A. Right, that has nothing to do with
21 that other relationship you were addressing.

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1 Q. You have no responsibility, meaning
2 DSMI, in that regard?
3 A. Correct.
4 Q. Now I noticed that the tariff does
5 mention some terms and conditions and some
6 regulations in terms of hoarding numbers or
7 selling numbers. You're familiar with those
8 provisions, correct?
9 A. To some degree.
10 Q. In fact, you've testified about those
11 provisions in affidavits that you've submitted in
12 this litigation, haven't you?
13 A. I don't recall.
14 MR. JENSEN: Hold on a second.
15 BY MR. SMITH:
16 Q. Okay. Now I'm going to talk about
17 this second tier of relationships between RespOrg
18 and subscriber. All right?
19 A. Okay.
20 Q. Assuming that some kind of organizing
21 was going on by a subscriber or that some kind of

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1 selling of numbers was going on in connection
2 with this subscriber, what police powers, so to
3 speak, if any, or oversight responsibility does
4 DSMI have to monitor and enforce against that
5 under this tariff?
6 A. I don't know that we have any
7 responsibility.
8 Q. Do you have anything on a day-to-day,
9 regular-course-of-business practice at DSMI where
10 you look into those kinds of things?
11 A. No.
12 Q. Have you ordered reports and
13 monitoring in connection with any such conduct at
14 any time during your tenure as president?
15 A. We have supported FCC requests for
16 information as to number utilization, those kinds
17 of things, when they were investigating those
18 activities.
19 Q. So in the past the FCC may have asked
20 you for information and you have supplied it to
21 them?

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1 A. Correct.

2 Q. Is it fair to assume it's because they
3 have an interest in enforcing that primarily
4 rather than DSMI?

5 A. Is it fair to assume --

6 Q. Well, strike that. I'll ask it a
7 different way. Any other times where you have
8 generated this kind of information for any
9 person?

10 A. Not that I can remember.

11 Q. Okay. Have you ever brought a lawsuit
12 or written a nasty letter to a subscriber that
13 you suspected might be doing this sort of
14 forbidden conduct, hoarding or selling?

15 A. No.

16 Q. Not since you've been president; is
17 that correct?

18 A. Correct.

19 Q. Okay. Has DSMI ever explored any kind
20 of business purpose that a particular subscriber
21 might have had in view in requesting either a

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1 change in RespOrg or the use of a number from a
2 RespOrg?

3 A. Not that I remember.

4 Q. Are there now or have there ever been
5 any protocols or procedures at DSMI for DSMI to
6 explore or audit or verify any business purpose
7 of a subscriber?

8 A. No.

9 Q. In obtaining use of a toll free
10 number?

11 A. No.

12 MR. LUKAS: Do you want to take a
13 break to get something to eat?

14 MR. SMITH: I'm on a role now.

15 MR. JENSEN: We're off the record.

16 (Whereupon, at 1:25 p.m., a lunch
17 recess was taken.)
18
19
20
21

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1 AFTERNOON SESSION

2 (1:55 p.m.)

3 (Wade Deposition Exhibit Number 4 was
4 marked for identification.)

5 BY MR. SMITH:

6 Q. Mr. Wade, before we broke you were
7 telling me that on occasion the FCC had called
8 DSMI and asked for information relative to a
9 hoarding issue or a sale-of-number issue out in
10 the field. Do you remember that testimony?

11 A. Yes. I don't know that they called
12 necessarily, but we were in contact with them
13 anyway.

14 Q. Okay. That was going to be my
15 follow-up question. Was that done by written
16 communication or telephone call?

17 A. Actually, the one time that I can
18 remember clearly they were actually doing an
19 audit of usage of the numbers, and they were --
20 they had sent a couple people to our building,
21 and it was just a verbal request that came in

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1 from the guy who was there in our building.

2 Q. Do you recall the names of the
3 personnel from the FCC?

4 A. No, I don't.

5 Q. Did they deal with you or someone else
6 from your office?

7 A. Both.

8 Q. Okay. And do you remember the name of
9 the person or entity being audited?

10 A. It wasn't an individual company. It
11 was a general -- the time I'm thinking of at
12 least was prior to the deployment -- yeah, prior
13 to the rollout of 888, and there was general
14 concern in the industry that people were
15 hoarding -- companies were hoarding numbers and
16 that they were being forced into deploying a code
17 earlier than they should have been had people not
18 been treating the numbers appropriately. So it
19 was sort of a generic investigation, I think, in
20 the hoarding or warehousing of numbers as opposed
21 to targeted anyone specific, at least as far as

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1 we knew.

2 Q. Do you remember the time that this
3 occurred when they visited your office?

4 A. It would have been prior to the
5 rollout of 888, which, I think, was in '96. My
6 guess would have been early '96 sometime.

7 Q. Did they make a report after they had
8 concluded looking at whatever records your folks
9 showed them?

10 A. I don't know.

11 Q. Do you remember ever getting a copy of
12 the report, if there was one?

13 A. No.

14 Q. Did you have any follow-up
15 conversation with the FCC about this particular
16 occurrence?

17 A. Not that I recall.

18 Q. Okay. Do you recall any other
19 instances where DSMI or this management team or
20 Bellcore has been contacted by the FCC on a
21 hoarding-type issue?

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1 A. Not that I recall.

2 Q. Do you recall any time where DSMI or
3 Bellcore or your management team has been
4 contacted by the FCC about a sale-of-number
5 issue?

6 A. Not specifically, no. I mean, it
7 wouldn't surprise me that we have been because we
8 talk with the Commission relatively frequently, I
9 mean, once every month, once every couple of
10 months.

11 Q. You talk with the Commission generally
12 once every several months?

13 A. Yeah.

14 Q. But not about this specific topic once
15 every several months?

16 A. It wouldn't surprise me if this has
17 come up in one of the discussions over the past
18 years, but I don't have any specific knowledge or
19 memory of that.

20 Q. It hasn't come up every time you've
21 met, however?

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1 A. No.

2 Q. You can't remember when or how many
3 times? Is that a fair statement?

4 A. Yes, that's -- I don't remember how
5 many, no.

6 Q. Do you see what I've marked as Exhibit
7 Number 4?

8 A. Yes.

9 MR. JENSEN: Do you have extras of
10 those?

11 BY MR. SMITH:

12 Q. Is that your supplemental declaration?

13 A. Yes.

14 Q. Okay. And did you prepare Exhibit
15 Number 4?

16 A. Oh, this is Exhibit Number 4. I'm not
17 sure what you mean by "prepare," but --

18 Q. Well, did you write it?

19 A. No.

20 Q. Someone wrote it for you?

21 A. Well, in cooperation.

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1 Q. Okay. Did you review it before
2 signing?

3 A. Yes.

4 Q. Is the testimony in there in substance
5 your testimony?

6 A. Yes.

7 Q. Is it in particular your testimony?

8 MR. JENSEN: As opposed to in general?

9 MR. SMITH: As opposed to in
10 substance. I didn't want to leave out the
11 particulars by referencing the substance after
12 all.

13 BY MR. SMITH:

14 Q. Is everything in this affidavit true
15 and correct to the best of your knowledge?

16 A. To the best of my knowledge.

17 Q. That was true at the time you signed
18 it, May 5, 2000?

19 A. Yes, it was.

20 Q. Did you sign it on or about May 5,
21 2000?

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1 A. Yes, I did.

2 Q. When you signed it, did you know it
3 was going to be used in a judicial proceeding
4 before a federal district court in Salt Lake
5 City, Utah?

6 A. I'm not quite sure, again, what
7 prompted this.

8 Q. Well, you don't need to know what
9 prompted it. I need you to tell me whether you
10 knew it was going to be sent to the judge when
11 you signed it.

12 A. Yes.

13 Q. Okay. Now looking at Exhibit Number D
14 to Deposition Exhibit 4 -- do you have that in
15 view?

16 A. I don't have tabs in mine. Which is
17 the --

18 Q. I'm sorry.

19 A. What is D?

20 Q. It's the letter that you wrote on
21 January 26, 1999, with the attached form.

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1 A. Okay.

2 Q. Did you prepare Exhibit D, this letter
3 to Mr. Art Brothers, Michael?

4 A. Yes, I did.

5 Q. Did you sign it and send it on or
6 about January 26, 1999?

7 A. Yes, I did.

8 Q. Okay. Did you send it with the
9 attached form, which is titled "Request For Toll
10 Free Number From The 800-629 Series"?

11 A. Yes, I did.

12 Q. Okay. Now before sending this January
13 26, 1999, letter, did you or anyone else at DSMI
14 confer with what we've been calling the
15 management team about what to say in this letter
16 and how to respond?

17 A. I don't recall. I don't know.

18 Q. Do you remember whether you acted
19 unilaterally in preparing the January 26, 1999,
20 letter in the form?

21 A. It wasn't unilaterally. I had advice

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1 from counsel.

2 Q. Other than input from counsel, do you
3 recall that you acted unilaterally in sending
4 this letter?

5 A. I don't know.

6 Q. Do you remember whether you had
7 assistance from any person or body input or
8 consultation of any kind in preparation of the
9 form that is attached to the letter, that is, the
10 form for request of toll free number, et cetera?

11 A. Counsel, yes.

12 Q. Do you have a recollection that you
13 conferred with the management team or anyone at
14 Bellcore or anyone else at DSMI when you prepared
15 this form?

16 A. I don't know.

17 Q. Okay. Now this form that we have
18 attached to your January 26, 1999, letter, is
19 this form different from the forms that
20 ordinarily in the regular course of DSMI are
21 submitted by RespOrgs requesting assignment of a

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1 particular toll free number?

2 A. There are no forms normally. This is
3 a unique situation because of the status of these
4 800-629 numbers.

5 Q. Okay. You say there are no forms in
6 the ordinary course when another RespOrg submits
7 a request for assignment of a number other than a
8 629 number, correct?

9 A. Correct.

10 Q. Is it just by computer access that the
11 reservation is accomplished?

12 A. Correct.

13 Q. Is there a particular set of data or
14 information that is communicated over the
15 computer when it's a regular request?

16 A. Yeah, there is.

17 Q. What is the data?

18 A. I can't tell you that. I don't know
19 the answer.

20 Q. Can you tell me what you have asked on
21 the form that is attached to your January '99

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1 letter to Mr. Brothers that is different from
2 what is input through your computer system when
3 another RespOrg out there in the ordinary course
4 asks for a number other than a 629 number?
5 **A. I'm not sure of the data fields at the**
6 **top of the form. There is normally no narrative**
7 **section asking for the reasons why it's necessary**
8 **to use a 800-629 number, of course.**
9 Q. When a regular course request is made
10 by a RespOrg wanting assignment of a number other
11 than a 629 number, is that through your service
12 desk?
13 **A. No, it's computer-to-computer.**
14 Q. Okay. Did I misunderstand earlier
15 testimony by you that requests for number
16 assignments go through your service desk, this
17 service provider that used to be Neustar and now
18 is Sykes?
19 **A. Requests for changes in RespOrg go**
20 **through --**
21 Q. Changes in RespOrg goes through the

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1 service desk, but requests for assignment of
2 numbers goes through DSMI directly?
3 **A. That's automated. It's**
4 **computer-to-computer.**
5 Q. That's automated, okay. So the
6 information that's inputted when it's a regular
7 course RespOrg request, you don't know if that
8 information includes the top grid, but you do
9 know that the reasons for necessity and so forth,
10 that is not part of the regular input? Is that a
11 fair statement?
12 **A. That's correct.**
13 Q. Is there anything in the computer
14 input process -- and forgive me because I'm more
15 computer dumb than Russ here represented to being
16 earlier today. Conceptually what I'd like to
17 know is --
18 MR. LUKAS: Did I say dumb?
19 MR. SMITH: I'm sorry. Illiterate.
20 I'm dumb. He's illiterate. I mean the truth is
21 the truth, folks.

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1 BY MR. SMITH:
2 Q. Back to my question. When a regular
3 RespOrg is making a request for a number
4 assignment -- and even though I realize you've
5 testified you're not sure whether this
6 information about customer name and so forth is
7 submitted, are there some buttons or triggers or
8 particular letters in the computer that will flag
9 irregular requests of any sort that DSMI has
10 placed there for a specific purpose?
11 **A. I'm not sure what you're asking. I**
12 **mean, if you're asking are there validations in**
13 **the system, I'm sure there are.**
14 Q. Let me rephrase it. You said that the
15 form that has been prepared here to go with the
16 January '99 letter, which is Exhibit D to Exhibit
17 4, that that was a unique situation?
18 **A. Correct.**
19 Q. And it's treated differently, I
20 gather, because, A, there's paperwork as opposed
21 to computer input and, B, there's some difference

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1 in the information that's input -- that's
2 requested to be input from Beehive as opposed to
3 other RespOrgs, correct?
4 **A. I think it's treated differently**
5 **because of the status of the 800-629 numbers.**
6 Q. I'm not asking for the reason. I'm
7 asking for what identifies the difference here.
8 And the identifiable differences between these
9 629 and Beehive situations and regular RespOrg
10 situations are, one, it's a paper trail as
11 opposed to computer input and, two, the
12 information input is different?
13 **A. That's not -- I don't think that's**
14 **quite accurate.**
15 Q. Correct me then.
16 **A. If we had gotten the formal request**
17 **like this that had been completed and it had been**
18 **deemed that there was a viable need for an**
19 **800-629 number, the process for getting the**
20 **number in the system would probably have been**
21 **exactly the same in that someone would have to**

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1 log onto the system and they would see the same
2 screens with the same data requirements, the same
3 elements that they normally would see.

4 Q. But it's a different threshold here
5 because Beehive has to pass the form test before
6 there's computer input, correct?

7 A. Correct.

8 Q. And there's still another threshold
9 Beehive has to cross as opposed to regular course
10 RespOrgs, and, that is, Beehive has to justify
11 its need on some grounds to DSMI; isn't that
12 correct?

13 A. Correct.

14 Q. Okay. In the history of DSMI and
15 requests for toll free numbers through your
16 computer database by RespOrgs, has there ever
17 been a special form created to deal with special
18 situations other than the Beehive form here?

19 A. Oh, I -- I mean, that's a pretty broad
20 question. I'm sure we've created special forms
21 from time to time.

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1 Q. Are you sure or are you just
2 speculating?

3 A. I mean, I'm sure we must have.

4 Q. Well, are you sure or are you just
5 assuming that you have? And if you're sure, name
6 one. Can you recall any one in particular?

7 A. Yeah, we've made up a form for
8 handling modification requests that came in from
9 the industry.

10 Q. Was that form generically applied to
11 all such requests across the board, to all
12 RespOrgs, or was it unique to a particular
13 RespOrg?

14 A. No, it was for any request that came
15 in.

16 Q. Any other things that come to mind?

17 A. Not immediately.

18 Q. Okay. You're making me feel very,
19 very special. That's a joke too.

20 MR. JENSEN: You are very special.

21 MR. SMITH: Well, dumb people do -- I

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1 mean, we are special.

2 BY MR. SMITH:

3 Q. The information that is inputted by a
4 RespOrg in the regular course seeking assignment
5 of a number from DSMI, is that information
6 content regulated under the tariff? I have a
7 copy of the tariff if you'd like to look.

8 A. Number one, they don't get numbers
9 from the DSMI. They get numbers from the pool.

10 Q. I'm talking about the information that
11 a RespOrg inputs through DSMI's database in order
12 to get the assignment of the number. Is that
13 information content -- whether it's something
14 like you've got here on your form that you sent
15 to Mr. Brothers in '99 or other information,
16 whatever it may be, is that regulated under the
17 SMS/800 tariff?

18 A. Again, just for the record, the
19 database is not DSMI's database, but I don't
20 believe the tariff goes into that level of
21 detail.

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1 Q. Does it go into any level of detail?

2 MR. JENSEN: The tariff speaks for
3 itself.

4 BY MR. SMITH:

5 Q. When you put together your letter
6 that's Exhibit D to Deposition Exhibit 4, did you
7 consult the tariff before doing so?

8 A. I don't recall.

9 Q. Did you ask anybody else --

10 A. I don't recall.

11 Q. -- to consult the tariff before
12 creating Exhibit D?

13 Is that an "I don't recall" too?

14 A. Yes.

15 Q. Now what did you intend to do with the
16 information to be provided on your form here that
17 accompanies the January 26, 1999, letter to
18 Mr. Brothers if you had received it? In other
19 words, customer name, customer address, customer
20 telephone number. Did you plan on calling up
21 that number and finding out about that customer?

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1 Did you have a specific intention at the time you
2 drafted this letter and this form?

3 MR. JENSEN: I'll object. You're
4 asking him to speculate at this point.

5 MR. SMITH: I'm asking him to recall
6 his specific intent in regard to this situation
7 that I've just described when he drafted this
8 letter and form?

9 THE WITNESS: I think the intent was
10 to try to determine whether or not the need met
11 the standards that were specified by the court.

12 BY MR. SMITH:

13 Q. So this form does contemplate some
14 auditing or verification function on the part of
15 DSMI?

16 A. **It never got that far.**

17 Q. Is that what you had in mind when you
18 drafted it and sent it to Mr. Brothers?

19 A. **Again, we never got that far.**

20 Q. I'm asking what you, Mr. Wade, had in
21 mind when you drafted this letter and created

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1 this form. Did you want this information at that
2 time so you could follow up and verify it? Was
3 that your intention?

4 A. **Again, we never got that far. The**
5 **intention was to get the information.**

6 Q. Did you have a further intention as to
7 what you'd do with it once you got it?

8 A. **No, we never got that far.**

9 Q. You're not understanding my question
10 perhaps.

11 MR. JENSEN: He's answered your
12 question.

13 MR. SMITH: He's answered it with a
14 non-answer. He's evaded it.

15 MS. TUCKER: He said whether the need
16 meets the standards of the court.

17 BY MR. SMITH:

18 Q. So it was your intention to test need
19 based on the information you got back on this
20 form from Beehive?

21 A. **That was the statement from the court.**

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1 Q. I don't care what the court said. I
2 want to know what you thought when you created
3 this document?

4 A. **The thought was we needed to collect**
5 **this information.**

6 Q. For the purpose of what?

7 A. **Compliance with the court order.**

8 Q. So you were going to go out and test?

9 A. **I didn't say that.**

10 MR. JENSEN: I'll object. You're
11 asking him the same question over and over again.
12 He already answered it.

13 BY MR. SMITH:

14 Q. Did you talk with someone about the
15 use that might be put to the information received
16 on one of these forms?

17 A. **I don't remember.**

18 Q. You never had any -- you can't
19 remember any consultation with anybody else on
20 your management team?

21 A. **I don't know whether we had**

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1 **discussions about it or not.**

2 Q. Did you have discussions with your
3 management team about the Tenth Circuit Mandate
4 and what DSMI would do in response to it?

5 A. **I don't know that. If it did, it**
6 **would be in the meeting minutes.**

7 Q. But do you have any recollection
8 yourself sitting here independent of those
9 minutes?

10 A. **No.**

11 Q. Can you think of any other occasion
12 when you might have discussed the response to be
13 taken to that mandate with anybody?

14 A. **Other than -- I'm not sure what you're**
15 **asking.**

16 Q. You testified about potential
17 discussions and what you can recall with the
18 management team.

19 A. **Right.**

20 Q. Now I'm asking you more broadly about
21 anybody.

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1 A. I've already said we had discussions
2 with counsel.
3 Q. Anybody else?
4 A. Not that I recall.
5 Q. Okay. Did you have any discussions
6 with any of the other officers at DSMI about what
7 necessity was to mean in terms of the Tenth
8 Circuit Mandate?
9 A. I don't recall.
10 Q. Did you have any discussions on that
11 subject -- now we're not talking about generating
12 a form and what's to go in the form and how to
13 respond to the mandate. We're talking about what
14 does this mandate mean in terms of business
15 justification or need to get one of these 629
16 numbers and what defines that need. I'm asking,
17 did you have a conversation with somebody at the
18 DSMI level about that subject?
19 A. Again, I don't recall.
20 Q. Okay. Did you have a conversation on
21 that subject with anybody on the SMT, this

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1 management team outfit?
2 A. Haven't we asked --
3 Q. It's a different question.
4 A. It is?
5 Q. Yes.
6 A. You parch these questions much more
7 finely than I do. The conversations I had with
8 the SMT are reflected in the meeting minutes.
9 Q. Can you remember having one on what
10 business justification does it need to get for
11 Beehive to get one of these 629 numbers?
12 A. No.
13 Q. How about anyone at the RBOC level?
14 A. No. "No" meaning I don't recall
15 whether there was a discussion or not.
16 Q. Okay. Whether or not there was a
17 discussion, was some recipe formulated either in
18 your head or on paper as to need and what it
19 means?
20 A. I never got that far.
21 Q. Were you just going to make this up as

Page 167

1 you went along or did you have something in mind?
2 A. We take these activities as they come.
3 We deal with them as appropriate at the time.
4 The first step was to gather the information.
5 Q. Well, the first step was to make a
6 decision that you could be the gatekeeper as far
7 as determining need.
8 MR. JENSEN: You're arguing with the
9 witness.
10 BY MR. SMITH:
11 Q. Did you make that determination that
12 you were in charge of that?
13 A. This is all based on a court order and
14 that we -- I was reacting based on counsel.
15 Q. And as the keeper of the gate, did you
16 know what was going to let people in or keep
17 people out?
18 A. I disagree with the premise. I didn't
19 classify myself as the keeper of the gate.
20 Q. If you weren't keeping it, who was?
21 A. I have no idea. I didn't know there

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1 was a gate.
2 Q. Why did you send this letter? Why
3 didn't you just tell Beehive, hey, do like all
4 the other RespOrgs do, follow the tariff, put it
5 into our database, get your number?
6 A. We were complying with the court
7 direction.
8 Q. Okay. What did the compliance -- what
9 was the content to the compliance from your point
10 of view then at that time? What was business
11 justification?
12 A. It never got that far.
13 Q. Who was to decide what was business
14 justification if you did get that far?
15 A. It never got that far.
16 Q. Was it going to be Michael Wade or was
17 it going to be the DSMI board? Was it going to
18 be either of those?
19 A. I have no idea. We never got that
20 far.
21 Q. Did you discuss that decision-making

Page 169

1 process with anybody at any time?
2 **A. I think we've asked and answered that**
3 **about five times.**
4 Q. I'm talking about the decision-making
5 process. You've testified, well, we never got
6 that far, we didn't think of content, we never
7 got that far, we never thought about -- we never
8 determined that I would decide it or somebody
9 else. My next question is, did you ever think
10 about some kind of process for resolving those
11 issues and did you talk about that with somebody?
12 **A. I don't remember whether we discussed**
13 **it or not.**
14 Q. Sitting here today, you tell me from
15 your standpoint what it would take to get one of
16 these numbers. What is a business justification
17 that will allow Beehive to obtain access to one
18 of these 629 numbers?
19 **A. I can't do that. I'm not in the**
20 **position to do that.**
21 Q. Why aren't you in a position to do

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1 that?
2 **A. I haven't had any chance to look at**
3 **the information, to discuss it with the people**
4 **who might be involved, review it with counsel.**
5 Q. Who would you discuss it with?
6 **A. Depends on what came in. Depends on**
7 **the data.**
8 Q. Well, let's say that Beehive sent in
9 the data that every other RespOrg sends in. What
10 happens then?
11 **A. No idea. I haven't had that**
12 **opportunity to discuss it.**
13 Q. Are you telling me that Beehive hasn't
14 made a request for access to some of these
15 numbers?
16 **A. We've never gotten a completed form.**
17 Q. But they've made a request, haven't
18 they, through your database?
19 **A. I wouldn't know. If it comes in**
20 **mechanically, I wouldn't know.**
21 Q. Since you've served as president of

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1 DSML, Mr. Wade, have you had discussions with
2 anyone at DSML, SMT, or Bellcore that links
3 resolution of Beehive's objection to your tariff?
4 When I say "your tariff," I mean the RBOC's
5 tariff and this 629 number issue.
6 **A. I'm not quite sure how to answer that.**
7 **The initial discussion with Beehive was based on**
8 **nonpayment of tariff revenues. I mean, that**
9 **clearly was the linkage at the start.**
10 Q. Isn't it a fact that you started to
11 write letters about that nonpayment at about the
12 time that Beehive objected to your tariff?
13 **A. I have no idea what the timing of**
14 **those things were.**
15 Q. I'm going to go back to my original
16 question, which is, during your tenure as
17 president of DSML, have you gained any knowledge
18 directly or indirectly of any conversation that
19 links Beehive's objection to the SMS/800 tariff
20 and resolution of this controversy over the 629
21 numbers?

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1 **A. I don't understand the premise of the**
2 **question. I thought Beehive challenged the**
3 **validity of the SMS/800 tariff. Clearly the two**
4 **topics are linked. I don't know what you're**
5 **asking me.**
6 Q. Well, has there been a conversation of
7 which you're aware that has tied resolution of
8 the numbers issue and disconnection and so forth
9 to the objection to the tariff in any way?
10 **A. I mean, a lot of those things are**
11 **interconnected, of course.**
12 Q. So have you had conversations about
13 that?
14 **A. About what?**
15 Q. About the interconnection between the
16 two.
17 **A. Well, we've had conversations about**
18 **the topics covered in the action that's underway.**
19 Q. And when have you had those
20 conversations? When was the first one that you
21 can recall?

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1 A. I -- again, you're asking dates.
2 We've provided you with meeting minutes. They
3 started back in '94 sometime, I think, or '93.
4 Q. Okay. Looking at exhibit -- whatever
5 they were, 3 and 2. Starting with 2, can you
6 identify Number 2?
7 A. Yeah, it looks like a tariff filing
8 that was made recently.
9 Q. In the general course, do you see the
10 tariff filings that are made in connection with
11 the SMS/800 tariff?
12 A. Yes.
13 Q. Did you see this one on or about May
14 16, 2000?
15 A. Yes.
16 Q. Okay. So you're on the mailing list
17 or circulation list for things like Exhibit 2; is
18 that true?
19 A. Yes.
20 Q. Who's stationary is this "SMS/800"?
21 A. It's SMS/800's, SMT's stationary.

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1 Q. That's the management team, right?
2 A. Right.
3 Q. Who prepared this document?
4 A. Actually, I did.
5 Q. Okay.
6 A. Yeah, I did, I think.
7 Q. Okay. On the second page I see it
8 says Ted Fernandez. Did you prepare it for him?
9 A. Well, I prepared it for the SMT.
10 Q. And why is Mr. Fernandez's name there
11 at the bottom of Page 2 of Exhibit 2? Does that
12 signify that he is the author of this document or
13 the official person submitting it?
14 A. No, it says that as the
15 point-of-contact that information or
16 correspondence should be forwarded to him.
17 Q. Okay. This address here of 3
18 Corporate Place, Piscataway, is that the place of
19 business for DSMI?
20 A. Yes, it is.
21 Q. Was this typed by someone at DSMI.

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1 this Exhibit 2?
2 A. Yes.
3 Q. Why is Mr. Fernandez listed as -- why
4 is he given the address of 3 Corporate Place,
5 Piscataway?
6 A. The RBOCs frequently used our address
7 as our common mailing point since they don't have
8 any other central point other than us.
9 Q. Okay. But isn't Mr. Fernandez
10 affiliated with one of these RBOCs?
11 A. Yes.
12 Q. Which one was that again?
13 A. US West.
14 Q. Where does he regularly office?
15 A. Denver.
16 Q. So why is it routed through
17 Piscataway? Wouldn't it be just faster to send
18 it to him in Denver?
19 A. Not really because it needs to be
20 distributed to all of the RBOC members, and
21 that's typically what we do.

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1 Q. Okay. Looking at Exhibit 3, is this
2 the same type of document being prepared under
3 the same circumstances as Exhibit 2 then?
4 A. I'm not sure what you mean by "under
5 the same circumstances."
6 Q. Well, did you prepare it?
7 A. No, I didn't do this one.
8 Q. Was it typed at DSMI's offices?
9 A. I believe it was.
10 Q. Was it sent out from there to whomever
11 was to receive it, the secretary of the FCC?
12 A. I don't know that.
13 Q. Are you familiar with the bank account
14 of the SMT? Do you know the details of that
15 account?
16 A. Some of them.
17 Q. Does DSMI or you, Michael Wade, as
18 business representative for the SMT have any kind
19 of custodial responsibility for that bank
20 account?
21 A. I don't know what you mean by

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1 "custodial responsibilities."

2 Q. Well, who handles it? Who's in charge
3 of it? Is there one point person who takes care
4 of that?

5 A. In terms of payments or --

6 Q. In terms of anything like who set it
7 up, who gets the checking statement, who goes
8 down when you need changes on your signature
9 lines, and all that sort of stuff.

10 A. It's dealt with as a joint activity
11 via the management time.

12 Q. Do you know whose tax ID number
13 appears on the bank account?

14 A. I don't think there is one.

15 Q. No tax ID number. How about
16 signatories? Who can sign on checks? Do you
17 know that?

18 A. RBOC members.

19 Q. Depending on the amount, you may need
20 more signatures? Is that how it works?

21 A. Right, sometimes two, sometimes three.

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1 Q. You started to explain that as far as
2 the components of this service and database and
3 so forth that DSMI didn't own it. Did I hear you
4 correctly on that?

5 A. Uh-huh.

6 Q. How is ownership broken up or
7 allocated and to whom?

8 A. The service and the contents are all
9 property of the RBOCs.

10 Q. Okay. Do you know, is there a
11 specific ownership allocation as per each RBOC or
12 is it just joint tenancy?

13 A. It's just a joint activity. They've
14 never come to agreement as far as I know on any
15 percentages or anything like that.

16 Q. Okay. Are there any other constituent
17 parts that we would call property that make up
18 this operation?

19 A. Well, there are physical components
20 that each of the vendors who provide them, I
21 assume, own or lease or contract or somehow or

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1 another.

2 Q. When the vendors contract, with what
3 entity or group do they contract? Is it with the
4 SMT or is it with the RBOCs jointly or how is
5 that done?

6 A. Their contract for provision of
7 service is with the RBOCs.

8 Q. Jointly? Do all the RBOCs sign on
9 that contract?

10 A. Yes.

11 Q. Okay.

12 A. That's different from how they get
13 their hardware facilities, those kinds of things.
14 I have no idea how they handle provision of those
15 things.

16 Q. "They" meaning?

17 A. The vendors.

18 Q. The vendors. Is any money that may be
19 in excess of the operating needs of the SMT
20 available for distribution to anyone, and, if so,
21 is it distributed?

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1 A. I'm not sure what you're asking me.
2 Again, all of the money in the account is RBOC
3 money.

4 Q. Is it periodically -- surplusage
5 funds, are they distributed out to the RBOCs?

6 A. Yes.

7 Q. Is there a percentage formula for
8 making that distribution?

9 A. You mean one RBOC versus another?

10 Q. Yes.

11 A. Right now it's an even split four-way.

12 Q. Has it always been an even split?

13 A. Basically it has been split based on
14 how many RBOCs there were at the time.

15 Q. And has that always been true, just a
16 ratable -- that's not the right usage. I'm
17 sorry. Just an equal share?

18 A. There were some -- there was a period
19 in there where they split the revenues based
20 historical numbers as opposed to current numbers
21 until they could get themselves caught up, but at

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1 the premise I think it's always been based on how
2 many RespOrgs there were at the time. That was
3 the philosophy behind it.

4 Q. Behind distribution of revenues?

5 A. Behind how to split it.

6 Q. So am I hearing this correctly? If
7 one RBOC had -- explain to me again what you
8 meant by using the number of RespOrgs as part of
9 the equation.

10 A. Not RespOrgs. RBOCs.

11 Q. Oh, RBOCs. I thought I heard you say
12 RespOrgs?

13 A. If I did, I didn't mean that.

14 Q. Okay. Now who owns the computer?

15 A. The actual physical machine?

16 Q. Yes.

17 A. I can't tell you that.

18 Q. Who owns the software?

19 A. Telcordia owns the software.

20 Q. Okay. And is there any one party in
21 particular who is chiefly responsible for rate

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1 development under the tariff?

2 A. The RBOCs.

3 Q. But is there a point person there?

4 A. No.

5 Q. They do it jointly?

6 A. Well, they either do it jointly or
7 they have someone do it for them on their behalf,
8 but it varies from time to time as to who they
9 have do it.

10 Q. Like a consultant or someone who does
11 that service, a rate-expert-type firm?

12 A. Yes.

13 Q. Are you familiar with the rate expert
14 firms, if I may call them that, that have been
15 hired on occasion to do this for the RBOCs?

16 A. I know some of them, if that's what
17 you mean. I know the names.

18 Q. Okay. What are the names?

19 A. Bellcore did it for a while. KPMG did
20 it for a while. They've had a private contractor
21 who's done it a few times.

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1 Q. What's that name?

2 A. Charlie Rizzo, R-I-Z-Z-O.

3 Q. You said KPMG?

4 A. Yes.

5 Q. Do they have any affiliation or
6 connection with any of the RBOCs?

7 A. I wouldn't know that.

8 Q. How about Mr. Rizzo?

9 A. I wouldn't know that either.

10 Q. If I've asked this already, please
11 forgive me. How are the contractors and vendors
12 providing any kind of service pursuant to this
13 database and tariffing process, whether they
14 contract with the RBOCs or DSMI or otherwise?
15 How are they paid?

16 A. They submit monthly statements, and
17 the SMT pays them.

18 Q. Out of this bank account we've been
19 discussing?

20 A. Right.

21 Q. Okay. I've asked you about any recipe

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1 or formula for dividing surplus funds from the
2 bank account that may be distributed to RBOCs.
3 Is there a recipe or formula for allocating
4 expenses like these vendor costs as among the
5 RBOCs respectively?

6 A. I believe right now everything is just
7 split one-quarter each since there are four
8 RBOCs.

9 Q. Has that always been true?

10 A. I don't know that. I don't know how
11 they've done it in the past.

12 Q. Okay. What document, if any, governs
13 the distribution of revenue and allocation of
14 expense items that I've been asking you about?

15 A. I'm not sure there is a document.
16 Most of the topics, I think, have been addressed
17 as part of SMT minutes and recorded in the
18 meeting notes.

19 Q. Is there a charter or organizational
20 document or set of bylaws or something that
21 governs the SMT?

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1 A. There's a charter.

2 Q. Okay. And when these kinds of
3 decisions involving allocations and distributions
4 are made, are they made as amendments to the
5 charter or --

6 A. I don't think those are included in
7 the charter.

8 Q. What does the charter say? Have you
9 seen that?

10 A. Uh-huh, yes.

11 Q. Does it say anything substantive in
12 terms of rights and powers of governance among
13 the RBOCs who are participants or does it just
14 give a framework for procedure and
15 decision-making?

16 A. I would classify it more as a
17 framework, I think.

18 Q. How are the vendors selected by the
19 SMT for provisioning of service?

20 A. It depends on the vendor and the type
21 of vendor they're looking for. Some of them are

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1 selected as the result of a full RFP process,
2 request for proposal process. Some are
3 interviewed based on a list of candidates that
4 has been put together. It varies from group to
5 group based on whether or not the -- the
6 expectation is that it warrants a full-blown RFP
7 process or not.

8 Q. Are there conflict of interest
9 mechanisms in place in this decision-making
10 process, this selection of vendor process, to
11 filter out any conflicts?

12 A. Yes, there are.

13 Q. And are they in the charter of the
14 SMT?

15 A. No, they've just been agreements that
16 the team has reached whenever they get into one
17 of these situations.

18 Q. Are they done on an ad hoc basis?

19 A. Yes.

20 Q. Have there been conflicts presented?

21 A. Potential or actual?

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1 Q. Either.

2 A. Potential.

3 Q. Have there been any actual?

4 A. No, not that I'm aware of.

5 Q. If it's potential conflict is it
6 waivable under the charter?

7 A. I don't know what "waivable" means,
8 but these aren't addressed in the charter.

9 Q. Well, in practice, how are they
10 addressed?

11 A. The representative of the company that
12 has the potential conflict is recused from the
13 discussions, and they just don't participate.

14 Q. Okay. Mr. Wade, have you ever
15 published any article about the DSMI system
16 process effort? Are you an article writer and
17 publicist?

18 A. I don't know what you mean by "the
19 DSMI."

20 Q. Just about the work you do over there
21 at Bellcore and DSMI, your database, and the SMS

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1 tariff. Any trade publication or otherwise?

2 A. Not that I'm aware of. There was an
3 article on 800 number portability in one of our
4 internal magazines, but that's the only one that
5 I'm aware of.

6 Q. You authored that, did you?

7 A. Coauthored or joint authored.

8 Q. When was that authored?

9 A. Like '91, '92 probably, something like
10 that.

11 Q. What was the journal?

12 A. I don't know what it was. One of the
13 internal Bellcore at the time ones.

14 Q. Have you given speeches on SMS/800?

15 A. Frequently.

16 Q. Frequently. Are those written up?

17 A. No.

18 Q. They're extemporaneous?

19 A. Well, from a set of slides.

20 Q. Okay. Have you ever testified before
21 Congress?

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1 A. No.

2 Q. Have you ever testified at any
3 proceeding in the FCC? I asked you that
4 question, didn't I?

5 A. Yeah. No. Yes, you asked. No, I
6 haven't testified.

7 Q. Now you've testified about this
8 recusal mechanism when something goes to the SMT
9 and there's a potential for conflict there in the
10 decision-making process and the involved
11 participant will step back. Is the potentially
12 conflicted RBOC allowed to participate in the
13 deliberations and just excluded from voting or is
14 the exclusion as to deliberation and voting?

15 A. Well, again, these are ad hoc
16 activities, and we have -- to the best of my
17 knowledge, we've only had one case, and I believe
18 at that point in time the representative did not
19 participate in any of the discussions.

20 Q. Okay. Now there's been a lot said in
21 this litigation with Beehive about equitable

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1 administration of this numbering system and these
2 numbers. so I'm going to ask whether there are
3 any internal protocols, written or unwritten, at
4 DSMI that are keyed for the purpose of
5 maintaining neutrality in making decisions about
6 this number assignment process?

7 A. Number assignment process is an
8 automated process again.

9 Q. Yes, but that doesn't mean that
10 everybody gets treated the same necessarily. I'm
11 not implying anything by that. I mean, you've
12 testified about the Beehive unique situation with
13 this court order, for example. That's one
14 example, and the possibility exists for other
15 situations, I suppose. So what I'm asking is,
16 has anybody ever sat down at the DSMI level and
17 said we may face these things rather than dealing
18 with them ad hoc at the moment, let's have a set
19 of procedures that we hope through procedure will
20 ensure or advance fairness and neutrality?
21 Anything like that ever been done at DSMI?

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1 A. I think the whole premise of having a
2 centralized database is to address that exact
3 problem and that's the reason that everything was
4 mechanized, so there is no intervention on
5 anybody's part.

6 Q. But to deal with the situation that is
7 the exception to that rule, like the Beehive
8 situation, if and when that arises?

9 A. Beehive is the exception to that rule.

10 Q. Was anything beforehand done by way of
11 anticipating this kind of situation and having
12 protocols to deal with it?

13 A. Yes, we mechanized everything we could
14 so there would be no human involvement.

15 Q. Anything other than that?

16 A. No.

17 Q. How about any such protocols or
18 procedure at the SMT level?

19 A. As far as I know, it's the same sort
20 of approach. Anything that's sensitive that has
21 to do with numbered administration activities is

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1 mechanized.

2 Q. What about right at the beginning when
3 things were being transitioned and you had
4 carriers out there who had these codes and you
5 hoped, I suppose, under the guidelines that were
6 out there that they would turn them in and so
7 forth? In anticipation of that event and in
8 anticipation that there might be some mavericks
9 who didn't, was any thought given to a set of
10 procedures and guidelines that were dealing
11 partially with those situations as you recall?

12 A. As I recall there was an FCC mandate,
13 that they put their NXX codes into the system.
14 That's what we were working with.

15 Q. Anything other than that?

16 A. Not that I recall.

17 Q. How about in terms of what DSMI did,
18 if anything, to implement that mandate, if you
19 had responsibility to implement that mandate?

20 A. I'm not sure what you're asking me.

21 Q. Well, it's the same difference that

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1 you got with this Tenth Circuit order. You got a
2 mandate, but how is it interpreted and how is it
3 implemented?

4 MR. JENSEN: Are you talking about the
5 Tenth Circuit mandate?

6 MR. SMITH: He's asking me for
7 definition of what I'm asking, and I'm giving him
8 an example. Somebody has got to interpret that.
9 Somebody has got to implement that.

10 MR. JENSEN: What do you mean by
11 "that"?

12 MR. SMITH: That mandate?

13 MR. JENSEN: What circuit?

14 BY MR. SMITH:

15 Q. What does this mean?

16 MR. JENSEN: The Tenth Circuit
17 Mandate?

18 BY MR. SMITH:

19 Q. Yes. And a lot may depend on who does
20 either of those.

21 A. That was not our call. That was up to

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1 the Commission.

2 Q. You're talking now about the
3 earlier --

4 A. Right.

5 Q. -- transition period?

6 A. Right. I mean, DSMI was not mandated.
7 The NXX holders were mandated.

8 Q. So you didn't have to worry about it
9 is what you're telling me, right?

10 A. We did worry about it. We tried to
11 work --

12 Q. You didn't have to worry about
13 enforcing their mandate, correct?

14 A. Right.

15 Q. Now let's go back to the Tenth Circuit
16 and their mandate. Apparently you are worried
17 about enforcing that mandate. Is that a fair
18 statement?

19 A. I don't think so. I think we're
20 worried about being in compliance with it.

21 Q. And in that regard are you concerned

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1 about being fair to Beehive?

2 A. Absolutely.

3 Q. Okay. In that regard have you
4 considered the possibility of an impartial
5 procedure for interpreting what this mandate may
6 mean for purposes of either following or
7 enforcing it?

8 A. I've discussed it with counsel. I've
9 taken their recommendation.

10 Q. And you can't remember whether you
11 discussed it with anybody else?

12 A. Correct.

13 Q. I can't ask you what you discussed
14 with your attorneys, so I won't go there. Who
15 will DSMI call to be a witness at the hearing
16 before Judge Kimball at the end of July of this
17 year?

18 MR. JENSEN: I'll object to that
19 question. You're asking for attorney-work
20 product. We haven't made a determination as to
21 who will be the witnesses.

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1 MR. SMITH: Okay. Well, I'm asking,
2 and I'd like to know who they are and what their
3 telephone number is, what their address is. I'd
4 like to know -- I'd like to have a brief
5 description of the content of their testimony as
6 expected at the hearing.

7 MR. JENSEN: I'll make the same
8 objection. Mr. Wade is not going to answer that
9 question.

10 BY MR. SMITH:

11 Q. Mr. Wade, have you talked about who
12 might be called as a witness at the contempt
13 hearing at the end of July of this year to
14 testify on DSMI on behalf at that hearing with
15 anyone other than your counsel?

16 A. No.

17 Q. Okay.

18 MR. JENSEN: May we have a five-minute
19 break?

20 MR. SMITH: Sure.

21 (Pause in the proceedings.)

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1 MR. SMITH: Mark that as 5.
2 (Wade Deposition Exhibit Number 5 was
3 marked for identification.)

4 BY MR. SMITH:

5 Q. Do you have Exhibit 5, Mr. Wade?

6 A. Yes, I do.

7 Q. Is your Exhibit 5 the same as mine,
8 namely, the July 13, 1998, order from Judge
9 Jenkins?

10 A. I don't see a date on it.

11 Yes, July 13, 1998.

12 Q. Okay. Do you remember the first time
13 that you received and saw a copy of Exhibit 5?

14 A. No.

15 Q. Do you recall whether it was sometime
16 in July of 1998?

17 A. I don't have any recollection of it.

18 Q. Do you have any reason to think you
19 wouldn't have seen a copy of this in July of
20 1998?

21 A. Not if that's the date it was

1 Q. Okay. Did you do anything else?

2 A. We also, I believe, filed a request to
3 stop the order, whatever the right phrase is.

4 Q. Anything else?

5 A. I discussed it with counsel.

6 Q. Anything else?

7 A. Probably discussed it with the SMT.

8 That's probably in the meeting minutes somewhere.

9 Q. Do you remember what you discussed
10 with the SMT?

11 A. No, it would be in the notes.

12 Q. Do you remember what was said by
13 anybody?

14 A. No.

15 Q. Do you remember what you said?

16 A. No.

17 Q. Did you -- who would have been the
18 person at DSMI in July and August of 1998A who
19 would have pushed the button or input the data or
20 whatever you do with the computer at that time to
21 send these numbers back to Beehive?

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1 released.

2 Q. What do you remember from July 13th to
3 the end of July 1998 in terms of what you did at
4 DSMI or Telcordia or SMT to start obeying this
5 order and transmitting the toll free numbers
6 referenced there in to Beehive?

7 MR. JENSEN: I'm going to object to
8 the question because it assumes some facts that I
9 think are in dispute.

10 BY MR. SMITH:

11 Q. Just tell me what you did, if
12 anything, in the last half of July 1998 to get
13 these numbers restored to Beehive. Take me
14 step-by-step.

15 A. I have no idea of time frames here,
16 again. I know we filed an appeal, I believe,
17 after this.

18 Q. That's not responsive to my question.
19 My question is, what did you do to follow this
20 order?

21 A. We filed an appeal.

1 A. It wouldn't be -- it would be a
2 process that would have been activated and not
3 any individual one-step kind of activity like
4 that.

5 Q. Is there a person in charge of that
6 particular process at that time at DSMI?

7 A. I don't know what kind of a process
8 we're talking about here.

9 Q. Process to restore the numbers. You
10 tell me what it is.

11 A. There is no process. The numbers were
12 not restored.

13 Q. I know. But what would you have done
14 to restore the numbers? What steps would you
15 have taken?

16 A. I assume based on the input from
17 counsel that we would have done what we did,
18 which is file an appeal and --

19 Q. I'm not talking about legal steps to
20 resist the order. I'm talking about what you did
21 internally at the business as a business matter,

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1 as a technical matter, to follow the order?

2 **A. Technically the process would be to**
3 **probably run a batch job that would change the**
4 **RespOrg ID to whatever it was initially.**

5 Q. Did you tell someone to do that?

6 **A. No.**

7 Q. Did you tell anybody not to do it?

8 **A. Not that I recall.**

9 Q. Who would you have told to set that
10 process in motion? Is there a person there who
11 would have been in charge of that technical
12 process at that time?

13 **A. It probably would have been someone in**
14 **the development organization that would have done**
15 **it.**

16 Q. Is that at DSMI or is that at
17 Telcordia?

18 **A. That's Telcordia.**

19 Q. Who would be the potential candidates
20 there?

21 **A. I have no idea at the time. I don't**

Page 202

1 **remember who was there.**

2 Q. Did you ever call anybody over at
3 Telcordia about this?

4 **A. I have no idea.**

5 Q. Do you remember calling anybody at
6 Telcordia in July of 1998 about this order and
7 about batching something or getting the numbers
8 online to send back to Beehive?

9 **A. I have no idea. I don't remember.**

10 Q. How about in August?

11 **A. I don't remember.**

12 Q. Okay. How about in September of '98?

13 **A. I have no idea.**

14 Q. Do you remember writing something to
15 that effect?

16 **A. No.**

17 Q. Do you keep a Daytimer where you
18 record your calls?

19 **A. No.**

20 Q. Is the call from DSMI to Telcordia a
21 long distance call?

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1 **A. It depends on which facility, which**
2 **location they're in. It may be. Usually not.**

3 Q. How about this facility that you
4 mentioned that you would have called to get this
5 process in order?

6 **A. If I called somebody in the SMS**
7 **Development, it would have been a local call.**

8 Q. Who worked in the SMS Development
9 facility in July, August, and September of 1998?

10 **A. I can't tell you that.**

11 Q. Internally at DSMI do you have a habit
12 of keeping buck slips off of phone calls?

13 **A. No.**

14 Q. How about over at Telcordia?

15 **A. I don't know about that.**

16 Q. If you were called upon to show cause
17 that you hadn't just ignored a federal district
18 judge's order and you had to bend your oars to
19 prove that you did, what documents would you go
20 to at this stage of the game to find out whether
21 there was a written memorandum that you did

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1 something like this?

2 **A. No idea.**

3 Q. Since you got this contempt motion
4 this summer from Beehive, have you scratched your
5 head and puzzled about that and said, where would
6 I have put a document like this and gone
7 searching?

8 **A. I don't believe there is a document**
9 **like that.**

10 Q. Well, that's not my question. My
11 question is, have you given thought to it this
12 summer whether there would be a document that
13 would prove that you followed the judge's order
14 in July, August, and September of 1998?

15 **A. I don't know how to respond to that.**

16 Q. Did you consider it or not? Did you
17 give it a moment's thought?

18 **A. As to whether a document exists**
19 **somewhere?**

20 Q. As to whether you could demonstrate
21 your complaints with the court's order through

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1 documentary evidence?
2 **A. No, I didn't.**
3 **Q. Okay. This Piscataway -- I'm probably**
4 **mispronouncing that. The facility where DSMI now**
5 **is headquartered, is that facility shared with**
6 **any other entity in the Telcordia/SAIC family of**
7 **entities?**
8 **A. Yes.**
9 **Q. Okay. Which others?**
10 **A. Telcordia is housed in the same**
11 **facility.**
12 **Q. Any other SAIC affiliate housed there?**
13 **A. I don't know.**
14 **Q. Do any RBOCs have space there?**
15 **A. I don't know.**
16 **Q. Do any RBOCs use those facilities**
17 **other than through DSMI's contractual**
18 **relationship with them?**
19 **A. I don't know.**
20 **Q. Who pays for the facility? Is it a**
21 **rent? Is it an ownership? What is it?**

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1 **A. I have no idea.**
2 **Q. Okay. You don't know how that's paid**
3 **and who pays it?**
4 **A. The facility?**
5 **Q. Yes.**
6 **A. No.**
7 **Q. How about for DSMI's share of the**
8 **facility?**
9 **A. That's paid to Telcordia.**
10 **Q. By DSMI?**
11 **A. Yes.**
12 **MR. SMITH: Mark this 6.**
13 **(Wade Deposition Exhibit Number 6 was**
14 **marked for identification.)**
15 **BY MR. SMITH:**
16 **Q. Okay. Showing you what's been marked**
17 **as Exhibit 6, Mr. Wade, can you identify that for**
18 **the record, please?**
19 **A. It looks like a section from SMT**
20 **conference call notes.**
21 **Q. Okay. Is this one of those conference**

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1 calls about which you testified earlier that
2 occur every two or three weeks with the
3 management team?
4 **A. Yes, it is.**
5 **Q. Now would it be fair to say that the**
6 **management team -- well, strike that. Who**
7 **prepared Exhibit 6?**
8 **A. Who typed the meeting minutes?**
9 **Q. Who kept the minutes and who typed**
10 **them, yes.**
11 **A. Probably I did.**
12 **Q. Okay. As a business representative**
13 **so-called of the management team, is it your**
14 **responsibility, Mr. Wade, to take minutes at**
15 **these management team meetings?**
16 **A. It's DSMI's responsibility, yes.**
17 **Q. And you're the DSMI liaison as the**
18 **management team?**
19 **A. Currently there are two.**
20 **Q. Who's the other one?**
21 **A. Eric Chuss.**

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1 **Q. So how does that work? Do you share**
2 **responsibility for taking the minutes or do you**
3 **generally do it?**
4 **A. Currently?**
5 **Q. Currently and historically. Answer**
6 **that in two parts.**
7 **A. Before there were two of us, I did it.**
8 **When Eric came on board, Eric does it.**
9 **Q. When did he come on board?**
10 **A. About a year ago.**
11 **Q. And how do you keep the minutes? Do**
12 **you keep them while the meeting is going on? Do**
13 **you take notes?**
14 **A. Eric takes notes, yes.**
15 **Q. Let's talk about when you did it,**
16 **okay?**
17 **A. Okay.**
18 **Q. When you do it, how did you do it?**
19 **A. I kept notes.**
20 **Q. Handwritten?**
21 **A. Uh-huh.**

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1 Q. And then later did you transcribe
2 those notes or edit and type them into this type
3 of format that we have here in Exhibit 6?

4 A. Uh-huh, yes.

5 Q. Have you saved copies of your
6 handwritten version of the minutes?

7 A. No.

8 Q. Do you discard those at the time that
9 you prepare the typed version such as we have
10 here in Exhibit 6?

11 A. Yes.

12 Q. Was that always your practice?

13 A. Yes.

14 Q. After each meeting how soon thereafter
15 as a rule, if you can generalize, did you type
16 your notes of the meeting?

17 A. A week maybe, ten days.

18 Q. Did you edit when you typed as a rule
19 from your handwritten?

20 A. I'm not sure what you mean by "edit."

21 Q. Well, if you're like me, you kind of

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1 write in a shorthand but can recall what's in the
2 spaces, and then when you type it up formally,
3 you sort of fill it out. Does that describe the
4 process you would use?

5 A. Yes, it does.

6 Q. Okay. After each set of minutes is
7 retyped when you were doing it, is that typed set
8 as a matter of course submitted to the members of
9 the management team for their approval at the
10 following meeting?

11 A. Yes, it was.

12 Q. Okay. I have to ask these questions.

13 I'm sorry. Because as you probably are aware, we
14 received these documents that I'm now examining
15 you about this morning, so we haven't had a lot
16 of time to look at them. Moreover as warned in
17 advance by your counsel, they are -- what was the
18 word?

19 MR. JENSEN: Redacted.

20 BY MR. SMITH:

21 Q. Redacted. So that we only see parts

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1 of what's in the minutes, and I'm going to be
2 asking you about some of that as we go along.
3 That's why I'm a little curious about the
4 preparation process.

5 Now this Exhibit 6 has reference to
6 Beehive and a status report on the Tenth Circuit
7 Appeal. Do you see that?

8 A. Yes.

9 Q. And then it says, "More detailed
10 information regarding the Court action was
11 distributed via facsimile to SMT members on
12 Tuesday, November 17th." Do you see that
13 reference?

14 A. Yes.

15 Q. We don't have that attached to these
16 minutes. Do you know whether there's a reason
17 why it was not supplied to us?

18 A. I don't have a copy of it.

19 Q. Did you have a copy of it at the time
20 of November 18, '98, when this meeting was held?

21 A. Assuming I was the one who faxed it

Page 212

1 out, I did.

2 Q. Do you know whether you prepared the
3 fax?

4 A. No, I don't.

5 Q. Do you know who prepared the fax?

6 A. No, I don't.

7 Q. Okay. We'd like a copy of that as
8 part of what the team deliberations were about.

9 There's also a reference in here about
10 only three members being present and so there's
11 not a quorum. Do you see that?

12 A. Right.

13 Q. What was the quorum as of November 18,
14 '98?

15 A. I'm not sure how many companies there
16 were at that point in time. Quorum historically
17 has been defined as the majority plus one. I'm
18 not sure how many companies there were at that
19 point in time. There may have been five; there
20 may have been six. It would have depended.

21 Q. That leads me to the next question,

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1 which is, as to most of these documents that
2 you've given by way of meeting minutes, there's a
3 reference to who was in attendance on an attached
4 sheet. We don't have those, so we'd like to have
5 those. We need those. Otherwise we can't make
6 sense out of even the redaction?

7 MS. TUCKER: What does he need, who
8 was in --

9 MR. SMITH: I'll give you a specific
10 example as I go through the pile.

11 MR. JENSEN: You want the list of
12 attendees for each one?

13 MR. SMITH: Yes.

14 MR. JENSEN: I think we can get that.

15 MR. SMITH: Okay. And the November
16 17th fax that's referenced on Exhibit 6.

17 MR. JENSEN: Assuming such a thing
18 exists.

19 MR. SMITH: It says right here that it
20 exists.

21 MR. JENSEN: It existed on November

1 need the dates as well as the attached attendees
2 to know what's going on here. Now looking at the
3 last paragraph on Exhibit 7, Mr. Wade, it said,
4 Mike Wade will work with Floyd Jensen to draft a
5 plan to release the 800-629 numbers into the pool
6 of available numbers. SMT members recommend that
7 the judge and BTC be informed after the release
8 has occurred. Was that the decision of this
9 meeting?

10 A. It was in agreement of the SMT.

11 Q. The SMT. Do you need agreement from
12 anybody else to implement this plan?

13 A. I mean, this is all the agreements
14 that you need. I don't know what you're asking.

15 Q. Well, I'm asking you to confirm since
16 I don't have any reference to vote here. I don't
17 even know who's in attendance because I haven't
18 been given that part of the document. You see?
19 Were you at this meeting?

20 A. I don't know. I don't know when this
21 meeting occurred either.

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1 18, 1998.

2 MR. SMITH: This is Number 7.

3 (Wade Deposition Exhibit Number 7 was
4 marked for identification.)

5 BY MR. SMITH:

6 Q. Showing you what's been marked as
7 Exhibit Number 7, Mr. Wade, I'll tell you that
8 this Number 7 was the next page in order
9 sequentially that we received after Number 6, but
10 as you can see there's no date or meeting
11 referenced. Can you see that? It's hard for us
12 to get any kind of sense out of this because we
13 don't have a heading or a dating for it.

14 We want that, Floyd.

15 Mr. Wade, it doesn't look to us like
16 Exhibit 7 is part of Exhibit 6. Looking at the
17 two exhibits, can you tell whether 7 is part
18 of 6?

19 A. No, I can't.

20 Q. Okay. The Bates stamping that has
21 been done there shows a gap of ten pages, so we

1 Q. Your name is mentioned. I realize
2 that doesn't mean you were there.

3 A. Right.

4 Q. Do you remember being at this
5 particular meeting where this particular
6 resolution was passed?

7 A. We don't even know when this meeting
8 was.

9 Q. I know. But you might remember it
10 from the content of the resolution.

11 A. No.

12 Q. Do you remember receiving directions
13 from the SMT to work with Floyd Jensen, et
14 cetera, et cetera as reflected in Exhibit 7?

15 A. No.

16 Q. And to release the numbers and then
17 tell the judge?

18 A. No.

19 Q. Okay. Do you remember any follow-up
20 conversations you may have had yourself with any
21 of the SMT members about taking these steps,

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1 namely, releasing the numbers and then telling
2 the judge?
3 **A. No.**
4 **Q. Okay. As to the type of documents I'm**
5 **going to be talking to you about -- and we've**
6 **looked at two of them here, 6 and 7. Were these**
7 **assembled under your direction, Mr. Wade?**
8 **A. They were found under my direction,**
9 **yes.**
10 **Q. Okay. Who did you direct to find**
11 **them?**
12 **A. It depends on what the date on this**
13 **one was. If it was prior to '98, I think I**
14 **scanned them myself. It was after '98, it was**
15 **Eric Chuss, I believe.**
16 **Q. Why the difference in timing?**
17 **A. I had the files up through '98.**
18 **Q. Okay. Because you had been the**
19 **secretary so to speak during that period?**
20 **A. Correct.**
21 **Q. Okay. Did you give Mr. Chuss any**

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1 particular directions in terms of what to look
2 for?
3 **A. Any occurrence of the word "Beehive."**
4 **Q. Okay. Is that what you looked for in**
5 **doing your part?**
6 **A. Yes.**
7 **Q. Okay. Do you know who Bates stamped**
8 **them?**
9 **A. Someone from Ray, Quinney & Nebeker.**
10 **Q. Now Exhibit 7 mentioned that there's a**
11 **plan -- there's going to be a plan to release the**
12 **numbers into the pool of available numbers. What**
13 **status did the numbers have at this time before**
14 **they were to be released to available, do you**
15 **remember?**
16 **A. No, I don't.**
17 **Q. What are my options other than**
18 **available at this point in time?**
19 **A. Well, there's a series of statuses.**
20 **They could have been in working status; they**
21 **could have been in unavailable status; they could**

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1 **have been in virtually any status but assigned to**
2 **a RespOrg or a RespOrg ID code that would be**
3 **assigned to one entity or the other. There's two**
4 **kinds of statuses going on here.**
5 **Q. What does "unavailable" mean?**
6 **A. The unavailable number status?**
7 **Q. Yes.**
8 **A. It means the number is not available**
9 **for assignment within the system.**
10 **Q. How is that unavailability affected?**
11 **A. That's a numbered status within the**
12 **system. When that status is put on a number,**
13 **then the system blocks the ability of anybody to**
14 **build a record against it. It can't be**
15 **downloaded to a database.**
16 **Q. A Key stroke, right, or something?**
17 **UNA or something?**
18 **A. Right.**
19 **Q. A code is entered, right?**
20 **A. Right.**
21 **Q. Okay. Do you know when that code was**

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1 entered as to these 629 numbers in reference to
2 what we have here as Exhibit 7?
3 **A. No, I don't.**
4 **Q. Okay, 8.**
5 **(Wade Deposition Exhibit Number 8 was**
6 **marked for identification.)**
7 **BY MR. SMITH:**
8 **Q. Okay. Can you identify 8 for the**
9 **record, Mr. Wade?**
10 **A. It appears to be a section from more**
11 **meeting notes.**
12 **Q. Do you know why this particular**
13 **document was selected to produce to Beehive?**
14 **A. No.**
15 **Q. It says, If you have questions or**
16 **comments regarding these notes, please contact me**
17 **at 732. After the deposition, perhaps if I**
18 **called you at that number you could answer my**
19 **question about this.**
20 **MR. JENSEN: Perhaps not.**
21 **MR. SMITH: Perhaps we could have**